

# TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1201 SPR



**Project Name:** POR LA CENTER

**Case Number:** PSR2009-00043 & SEP2009-00087

**Location:** 30400 NE Timmen Road

**Request:** The applicant is requesting a site plan review approval to collocate a 2' diameter microwave dish onto an existing wireless communications tower. The applicant will also replace a set of existing omni-antennas with a panel of up to 12 antennas. The approximately 5.10 acre site is zoned R1-10 with UH-20 Overlay zone.

**Applicant:** Verizon Wireless (VAW), LLC  
DBA Verizon Wireless  
5430 NE 122<sup>nd</sup> Avenue  
Portland, OR 97230  
(503) 408-3436

**Contact Person:** P. Beck Loren & K. Oveta  
39400 NE Timmen Road  
Ridgefield, WA 98642

**Property Owner:** Urban Wireless  
Attn.: Shanin Prusia  
10376 SE Sunburst Way  
Portland, OR 97230  
(503) 720-6808, E-mail: [shanin@urbanwirelessinc.com](mailto:shanin@urbanwirelessinc.com)

## **DECISION**

**Approve with Conditions**

**DS Manager's Initials:** MB **Date Issued:** February 26, 2010

**County Review Staff:**

	<b><u>Name</u></b>	<b><u>Phone Ext.</u></b>	<b><u>E-mail Address</u></b>
<b>Development Services Manager:</b>	Michael Butts	4137	Michael.Butts@clark.wa.gov
<b>Planner:</b>	Michael Uduk	4385	Michael.uduk@clark.wa.gov
<b>Engineer Supervisor:</b> (Trans. & Stormwater):	Tom Grange, P. E.	4102	Tom.Grange@clark.wa.gov
<b>Engineer</b> (Trans. & Stormwater):	Ali Safayi	4102	Ali.safayi@clark.wa.gov
<b>Engineering Supervisor:</b> (Trans. Concurrency):	Steve Schulte, P. E.	4017	Steve.schulte@clark.wa.gov
<b>Engineer</b> (Trans. Concurrency):	David Jardin	4385	David.jardin@clark.wa.gov
<b>Fire Marshal Office</b>	Tom Scott	3323	Tom.scott@clark.wa.gov

**Comp Plan Designation:** Urban Low (UL)

**Parcel Number(s):** Tax Lot 32 (211465-000) located in the NE ¼ of Section 10, Township 4 North, Range 1 East, of the Willamette Meridian.

**Applicable Laws:**

Clark County Code (CCC) Chapter: 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.385 (Stormwater Drainage and Erosion Control), 15.12 (Fire Code), 40.220.010 (Urban Residential Districts, R1-10), 40.260.250 (Wireless Communications Facilities), 40.520.040 (Site Plan Review), 40.320 Landscaping and Screening), 40.570 (SEPA), 40.500 (Process)

**Neighborhood Association/Contact:**

Ridgefield Junction N. A.  
Dave Kelly, President  
1360 S 38<sup>th</sup> Court  
Ridgefield, WA 98642  
(360) 887-0750  
E-mail: casadronen@msn.com

Enterprise/Paradise Point N. A.  
Susan Gilbert, President  
2600 NW 329 Street  
Ridgefield, WA 98642  
(360) 887-2600  
E-mail: sag2600@yahoo.com

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was waived on August 28, 2009. There are no vesting disputes in this matter.

**Time Limits:**

The application was determined to be fully complete on December 16, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapses on March 4, 2010. The State requirement for issuing a decision within 120 calendar days, lapses on April 15, 2010.

**Public Notice:**

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Ridgefield Junction and Enterprise/Paradise Point Neighborhood Associations and property owners within 500 feet of the site on December 29, 2009.

**Public Comments:**

None

**Project Overview**

The applicant proposes to collocate a 2-inch diameter microwave dish onto an existing Verizon wireless communications tower. The applicant will also replace a set of existing omni-antennas with a panel of up to 12 antennas. The approximately 5.10 acre site is zoned R1-10 with UH-20 overlay zone. The site is located on the east side of NE Timmen Road, and south of NE 310<sup>th</sup> Circle.

The site is an existing unmanned wireless communications facility, which was approved by PSR2000-00222, PSR2001-00027, SEP2001-00022 and EVR2001-00022 (La Center Cell Tower). Since the original approval decision, no less than 6+ collocation applications have been completed for this site. The lease area is approximately 70' x 50' for a total of 3,500 square feet.

Table 1 below describes the comprehensive plan, zoning and current land use in the area.

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low (UL)	R1-10 / Urban Holding -20	The approximately 5.1-acre site has an existing single-dwelling and a 3,500 square foot fenced and landscaped wireless communications facility.
North	UL	R1-10 / UH-20	NE 310 Circle and acreage home site.
East	UL	R1-10 / UH-20	Acreage home site.
South	Rural-5	R-5	Acreage home site
West	R-5	R-5	NE Timmen Road and acreage home site.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Sara silt loam (SIB, SID) on slopes ranging from zero to 20 percent. Maps from Clark County's GIS Mapping System indicate that the site does not contain any known critical lands.

The property is located within the City of La Center's urban growth area (UGA). It is situated in an area served by Clark County Fire Department, La Center School District, and La Center Traffic Impact Fees District. Clark Public Utilities provides potable water and an on-site septic system collects human effluent on individual lot in the area.

### Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

**Major Issues:**

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

**LAND USE:**

**Finding 1**

There are no known unresolved major land use issues with this application. The site was approved for the installation of an unmanned wireless communications facility in 2000. Subsequent review in 2001 identified potential traffic and environmental impacts and provided appropriate mitigation measures.

The current request involves three actions to be undertaken by the applicant as follows:

1. Collocate a 2-foot diameter microwave antenna onto the existing 150 foot high monopole tower;
2. Remove a set of (obsolete) omni-antennas from the tower; and,
3. Replace the omni-antennas with a panel of 12 antennas.

These activities do not materially create any new land use, traffic and stormwater and erosion control impacts; because:

1. The height of the monopole is not being increased;
2. No new equipment shed will be installed at the base; and therefore, no grading or earth disturbing activities will occur;
3. The access to the unmanned wireless station is not being change; and,
4. The site is not being expanded.

Therefore, proposal complies with the applicable sections of CCC 40.260.250, and no new condition of approval is necessary.

**Conclusion (Land Use):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

**ARCHAEOLOGY:**

No earth disturbing activities will occur with this proposal. Earth disturbance occurred at this site 10 years ago when the wireless communications monopoles was first installed.

**TRANSPORTATION:**

Development Engineering Staff has reviewed this proposal and understands that the applicant is replacing and co-locating a microwave dish and antennas on an existing tower. The site is improved and the access has been installed.

The proposal does not trigger any of engineering related codes or requirements; therefore, no new findings or conditions of approval are necessary.

**TRANSPORTATION CONCURRENCY:**

None

**STORMWATER:**

None

**FIRE PROTECTION:**

**Finding 1 – Fire Marshal Review**

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323.

**WATER & SEWER SERVICE:**

None

**BUILDING:** (For Cell Towers only)

**Finding 1**

A building permit is required for new structures to house equipment, foundations and/or platforms for anchoring of equipment and anchoring of new equipment to existing foundations or platforms. A building permit is not required for attaching the antennae to an existing tower unless structural modifications are needed, however, an original letter, signed and wet-stamped by an engineer licensed in the State of Washington, certifying that the existing cell tower is of sufficient structural capacity to support the addition of the proposed co-location must be submitted. This letter should be submitted with the building permit application for the new structure, foundation or platform. See Condition E-1.

**IMPACT FEES:**

None

## SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- **MDNS = Mitigated Determination of Non-Significance (The impacts can be addressed through conditions of approval); or,**
- **DNS = Determination of Non-Significance (The impacts can be addressed by applying the County Code).**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on December 29, 2009, is hereby final.

### SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

*Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.*

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the

Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner is final unless there is:

- A motion is filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 251.160; or,
- An appeal with Clark County Superior Court.

**Staff Contact Person:** Michael Uduk, (360) 397-2375, ext. 4385

**Responsible Official:** Michael V. Butts, Development Services Manager

## DECISION

Based upon the proposed plan (identified as Exhibit 1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

## CONDITIONS OF APPROVAL

### **A Final Construction/Site Plan Review** **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

**A-1** None

### **B Prior to Construction of Development** **Review & Approval Authority: Development Inspection**

Prior to construction, the following conditions shall be met:

#### **B-1 Pre-Construction Conference:**

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

None



<b>C</b>	<b>Provisional Acceptance of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 None

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

D-1 Not Applicable

<b>E</b>	<b>Building Permits</b> <b>Review &amp; Approval Authority: Customer Service</b>
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Prior to issuance of a building permit, the following conditions shall be met:

**E-1 Building Permits:** (For cell towers only)

An original letter, signed and wet-stamped by an engineer licensed in the State of Washington, certifying that the existing cell tower is of sufficient structural capacity to support the addition of the proposed co-location.

<b>F</b>	<b>Occupancy Permits</b> <b>Review &amp; Approval Authority: Building</b>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 None

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information</b> <b>Review &amp; Approval Authority: None - Advisory to Applicant</b>
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**G-1 Site Plans and Other Land Use Approvals:**

Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

**G-2 Department of Ecology Permit for Construction Stormwater:**

A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND,**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

### **G-3 Building and Fire Safety**

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

<b>H</b>	<b>Post Development Requirements</b> <b>Review &amp; Approval Authority: As specified below</b>
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### **H-1 Outdoor Lighting**

Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180.

<b>Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.</b>
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### **Decision Appeal Process:**

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on February 26, 2010. Therefore any appeal must be received in this office by March 12, 2010.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;

- The reasons why each aspect is in error as a matter of fact or law;
- The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners.

**Attachments:**

- Copy of Proposed Preliminary Plan

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>

**For Staff Only:**

<b>Final Plans Required with Construction Plans</b>	<b>YES</b>	<b>NO</b>
Final Site Plan		X
Final Landscape Plan:		X
-On-site landscape plan		X
-Right-of-way landscape plan*		X
Final Wetland Plan		X
Final Habitat Plan		X

\*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

**Note:** If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.



